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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,029	03/02/2004	Jay S. Walker	3718582-00111	1254

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EXAMINER	
DEODHAR, OMKAR A	

ART UNIT	PAPER NUMBER
3714	

NOTIFICATION DATE	DELIVERY MODE
02/01/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

chicago.patents@klgates.com

Office Action Summary	Application No.	Applicant(s)	
	10/791,029	WALKER ET AL.	
	Examiner	Art Unit	
	OMKAR A. DEODHAR	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 September 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,4,6-12,15,17-23,26,28-35 and 38-54* is/are pending in the application.

4a) Of the above claim(s) *7,11,18,22,29,33,42,* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,4,6,8,9,10,12,15,17,19,20,21,23,26,28,30-32,34,35,38-41,43-54* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Final Rejection

Response to Amendment & Arguments

Since Applicant has amended claims 1, 4, 12, 15, 23, 26 & 35 to clarify that the linear outcome is displayed in response to the non-linear outcome being determined for display, Applicant's argument regarding the section 112, 1st paragraph rejection is persuasive. Accordingly, the rejection is withdrawn.

Since claim 44 still depends from a withdrawn claim, it remains rejected under 112, second paragraph.

Applicant incorporated his previous arguments in the latest response. (Remarks, Page 12). Since the scope of the claimed invention has not changed, Examiner's response remains the same & is repeated, *in* toto.

Applicant argues that because Bennett requires a match between the combination displayed on the primary display & a winning combination, to then display the combination on the secondary display, Bennett does not teach the claim limitations. Examiner disagrees. Regardless of Bennett's invoking the second display based on a winning combination on the primary display, it is still the case that Bennett displays symbols on the secondary display in a linear, easier to read format, than symbols displayed on the primary display. This is the relevant teaching of Bennett. As shown in Figures 6/7 & discussed in Paragraph 41, Bennett's scorecards always show winning symbols in a linear format. Applicant argues that Bennett does not teach that the outcome on the secondary display is displayed upon the outcome being displayed in a

non-linear format on the non-winning display. True. But, Bennett is only relied upon for displaying symbols on the secondary display in a linear manner upon symbols displayed on the primary display. Kaminkow's secondary display replicates the primary display in both winning & non-winning situations. See Kaminkow Col. 3. Lines 21-29. Thus, the combination of Kaminkow & Bennett results in outcomes linearly displayed on a secondary display upon non-winning or winning outcomes displayed on a primary display.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 44 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 44 depends on a withdrawn claim. Claim 44 has been examined as if it depended from claim 4. Appropriate correction is requested.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 4, 6, 8, 10, 12, 15, 17, 19, 21, 23, 26, 28, 30, 32, 35, 38-41, 43, 45-47, 51 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaminkow (US 6,695,696 B1) in view of Bennett et al. (US Patent Pub. 2003/0001338 A1).

Regarding claims 1, 4, 35, 38 & 52, Kaminkow teaches a gaming device {an apparatus} having a secondary display (Fig 1, 28) for providing the user with winning payline information. More specifically, Kaminkow teaches a slot machine comprising:

a. A processor (feature 38);

b. A first display coupled to the processor and operable to display a non-linear outcome, the non-linear outcome including a set of reel positions that are disposed along a line that is not straight, each reel position including at least one symbol (See figure 7 and the description thereof);

c. The first display screen displays the outcome in a conventional manner wherein the non-linear outcomes are displayed in a non-linear manner (figure 7);

Kaminkow fails to explicitly disclose displaying the non-linear outcome as a horizontal or straight linear outcome & further, wherein the linear outcome is displayed via the second display upon the non- linear outcome being determined for display via the first display and only if the non-linear outcome is determined for display via the first display such that the outcome is displayed in both a non-linear format and a linear format in response to a single and particular random number being determined.

Bennett teaches displaying via a secondary display an indication of the winning game outcome in a horizontal linear format (Bennett - figures 7-9). This includes at least

one symbol from the non-linear outcome. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to redisplay nonlinear outcomes as horizontal linear outcomes as taught by Bennett et al. in order to make reading the results of the outcome easier for players. Furthermore, Kaminkow's secondary display replicates the primary display in both winning & non-winning situations. See Kaminkow Col. 3. Lines 21-29. Thus, the combination of Kaminkow & Bennett results in outcomes linearly displayed on a secondary display upon non-winning or winning outcomes displayed on a primary display.

Both Kaminkow & Bennett are directed towards randomly determined outcomes based on RNG. This is how gaming machine outcomes are determined. It would therefore have been obvious to one of ordinary skill in the art at the time of Applicant's invention to display the non-linear & linear outcomes on the primary & secondary displays, respectively, in response to determining a single random number, as taught by RNG for the purpose of providing a randomly determined outcome.

Regarding claims 12, 15, the prior art combination teaches a method for performing the claim limitations as presented above with respect to claim 1.

Regarding claims 23, 26 the prior art combination teaches a secondary display (Kaminkow, Fig. 1, 28) & limitations as presented above with respect to claim 1.

Regarding claims 6, 17 and 28, wherein the second display displays an indication of which outcomes are winning outcomes (Kaminkow, col. 10, lines 24-38; winning outcomes receiving a payout are highlighted).

Regarding claims 8, 19 and 30, wherein the second display further displays an indication of outcomes upon which a wager was placed (Kaminkow, col. 12, lines 38-52; the second display further comprises a table for the payout of each payline, therefore the player bidding on various paylines will receive a payout table which indicates which paylines they've played and their payout corresponding to each payline).

Regarding claims 10, 21 and 32, wherein the second display only displays winning outcomes (Kaminkow, col. 11, lines 20-45).

Regarding claim 39, wherein the representation is not a paytable. Kaminkow's display is not a paytable.

Regarding claims 40 and 41, Bennett's display redisplays the outcome as a linear outcome and substantially concurrently (figures 7 and 8 of Bennett).

Regarding claim 43, Kamikow & Bennett teach the invention substantially as claimed, but fails to teach the use of the secondary display as an input device for making wagers by the player. Kaminkow teaches that the primary display is a touchscreen used by the player to make wagers. (Kaminkow Figure 2, touch screen 46 & Figure 1, bet button 24).Making the secondary display a touch screen for making wagers is a mere duplication of essential working parts of a device and involves only routine skill in the art. Therefore it would have been obvious to one of ordinary skill in the art to implement another input device in the secondary display, similar to that of the first display.

Regarding claims 45-47, Kaminkow teaches the use of highlighting to indicate reels that a player has wagered on (11:35-45) and therefore paylines that are not

highlighted are indicated as non-wagered paylines. The two are visually distinct from one another.

Regarding claim 51, the prior art teaches secondary displays. Retrofitting a secondary display on a machine or replacing a display with another display is viewed as design choice that would have been obvious to one of ordinary skill in the art at the time of Applicant's invention & well within the level of ordinary skill.

Claims 48-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaminkow in view of Bennett et al. as applied to claim 23 above, and further in view of Katz (6,811,484).

Kaminkow & Bennett teach the invention substantially as claimed but do not teach a mobile terminal such as a PDA. Katz teaches remote play using PDA's. See Katz Col. 18. Lines 1-10. It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to provide play on PDA's for the purpose of increasing revenue by permitting play using remote devices.

Claims 9, 20, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaminkow in view of Bennett et al. as applied to claims 4, 15 and 26 above, and further in view of Falconer (US Pub. 2003/0060268).

Kaminkow & Bennett teach a slot machine, method and supplemental display as discussed in greater detail above. However, Kaminkow & Bennett do not explicitly teach displaying an indication of a payout amount per each outcome that would have been won had a wager been placed upon each outcome. In a related gaming device, Falconer teaches a slot machine having multiple displays (features 30, 32 and figure

1B). The slot machine displays paylines not chosen by the player in order to increase player excitement by providing the player with information (payout amounts) on paylines not wager on by the player that would have been won had the player wagered on the not chosen paylines (paragraph 45). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the display of Kaminkow & Bennett to display an indication of a payout amount per each outcome that would have been won had a wager been placed upon each outcome as taught by Falconer in order to increase the player excitement as desirably taught by Falconer in paragraph 45.

Claims 34, 44, 53 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaminkow and Bennett as applied to claims 1, 4 & 26 above, and further in view of Benbrahim (US Pub. 2003/0186736).

Kaminkow & Bennett teaches the invention substantially as claimed, but fail to teach displaying an explanation of why an outcome is a winning outcome or a non-winning outcome. In a related gaming device, Benbrahim teaches a slot machine that allows a player to play multiple paylines simultaneously & request information. (Fig. 8, Items 528/529 and the related description thereof). An explanation of why an outcome is a winning out come or a non-winning outcome is displayed on the screen 450 (Fig. 8) to help clarify winning outcomes and non-winning outcomes to players requiring assistance to decipher winning outcomes and payout totals (paragraph 3 and 55). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the display of Kaminkow & Bennett to display an explanation of why an outcome is a winning outcome or a non-winning outcome as taught by Benbrahim in order to

clarify winning outcomes and non-winning outcomes to players as taught by Benbrahim in paragraph 3 of Benbrahim.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OMKAR A. DEODHAR whose telephone number is (571)272-1647. The examiner can normally be reached on M-F: 8AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 571-272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/OAD/

/Peter D. Vo/

Supervisory Patent Examiner, Art Unit 3714